



August 29, 2014

*VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED*

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Eugene B. Ceccotti
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Shamrock Materials, Inc.
181 Lynch Creek Way, Suite 200
Petaluma, CA 94954

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Sirs:

I am writing on behalf of San Francisco Baykeeper ("Baykeeper") to give notice that Baykeeper intends to file a civil action against Shamrock Materials, Inc. ("Shamrock") for violations of the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.* ("CWA") at Shamrock's facility located at 548 Du Bois Street, San Rafael, California 94901 (the "Facility").

Baykeeper is a non-profit public benefit corporation organized under the laws of California, with its office in San Francisco, California. Baykeeper's purpose is to preserve, protect, and defend the environment, wildlife, and natural resources of San Francisco Bay, its tributaries, and other waters in the Bay Area, for the benefit of local communities. Baykeeper has over two thousand members who use and enjoy San Francisco Bay and other waters for various recreational, educational, and spiritual purposes. Baykeeper's members' use and enjoyment of these waters are negatively affected by the pollution caused by Shamrock's operations.

This letter addresses Shamrock's unlawful discharge of pollutants from the Facility via stormwater into the San Rafael Creek and/or San Francisco Bay. Specifically, Baykeeper's investigation of the Facility has uncovered significant, ongoing, and continuous violations of the CWA and the National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources



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Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("Industrial Stormwater Permit").¹

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his or her intent to file suit. 33 U.S.C. § 1365. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to Shamrock of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, Baykeeper intends to file suit in federal court against Shamrock under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Baykeeper is willing to discuss effective remedies for the violations noticed in this letter. We suggest that Shamrock contact us within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court even if discussions are continuing when the notice period ends, and service of the complaint shortly thereafter.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility.

Shamrock's Facility is located at 548 Du Bois Street in San Rafael, California. Shamrock manufactures ready-mix concrete, concrete accessories, and building materials, as well as masonry and stone products. The Facility also maintains a concrete recycling system, material storage of approximately 500 tons of processed aggregates, mobile equipment, and a fueling station. Potential pollutants that may come in contact with stormwater include the following: portland cement, flyash, aggregate (sand/gravel), chemical admixtures, liquid color additives, sediment (total suspended solids; "TSS"), total organic carbon ("TOC"), pH, aluminum, iron, magnesium, zinc, waste oil, grease, diesel oil, diesel fuel, gasoline, hydraulic oil, lubricants, antifreeze, brake fluid, transmission fluid, polycyclic aromatic hydrocarbons ("PAHs"), and other pollutants. The Facility has three stormwater discharge points, and stormwater discharges through storm drains into the San Rafael municipal separate storm sewer system ("MS4"), which drains to San Francisco Bay.

¹ On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ, which has no force or effect until its effective date of July 1, 2015. As of the effective date, Water Quality Order No. 2014-57-DWQ will supersede and rescind the current Industrial Stormwater Permit except for purposes of enforcement actions brought pursuant to the current permit.

B. The Affected Waters.

San Rafael Creek and San Francisco Bay are waters of the United States. The CWA requires that water bodies such as San Francisco Bay meet water quality objectives that protect specific "beneficial uses." The beneficial uses of San Francisco Bay and its tributaries include commercial and sport fishing, estuarine habitat, fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of the San Francisco Bay watershed and threatens the ecosystem of this watershed, which includes significant habitat for listed rare and endangered species.

II. THE ACTIVITIES AT THE FACILITY CONSTITUTE VIOLATIONS OF THE CLEAN WATER ACT

It is unlawful to discharge pollutants to waters of the United States, such as San Francisco Bay, without an NPDES permit or in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms.

In 1997, Shamrock submitted a Notice of Intent ("NOI") to be authorized to discharge stormwater from the Facility under the Industrial Stormwater Permit. However, information available to Baykeeper indicates that stormwater discharges from the Facility have violated several terms of the Industrial Stormwater Permit, thereby violating the CWA. *Id.* Apart from discharges that comply with the Industrial Stormwater Permit, the Facility lacks NPDES permit authorization for any other discharges of pollutants into waters of the United States.

A. Discharges in Excess of BAT/BCT Levels.

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants² and best conventional pollutant control technology ("BCT") for conventional pollutants.³ Industrial Stormwater Permit, Order Part B(3). The EPA has published Benchmark values set at the maximum pollutant concentration present if an industrial facility is employing BAT and BCT, as listed in Attachment 1 to this letter.⁴

² BAT is defined at 40 C.F.R. § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

³ BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.

⁴ The Benchmark values are part of EPA's Multi-Sector General Permit ("MSGP") and can be found at: http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf. *See* 73 Fed. Reg. 56,572 (Sept. 29, 2008)

Shamrock's self-reported exceedances of Benchmark values over the last five (5) years, identified in Attachment 2 to this letter, indicate that Shamrock has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial Stormwater Permit. Baykeeper alleges and notifies Shamrock that its stormwater discharges from the Facility have consistently contained and continue to contain levels of pollutants which exceed Benchmark values for TSS, iron, and pH. In addition, Baykeeper volunteer investigator samples found exceedances of aluminum and zinc, indicating that the facility should be sampling for a broader suite of metals than it has been, which would most likely have revealed additional exceedances.

Shamrock's ongoing discharges of stormwater containing levels of pollutants above EPA Benchmark values and BAT- and BCT-based levels of control also demonstrate that Shamrock has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors, capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce the build-up of pollutants on-site, installing filters in downspouts and storm drains, and other similar measures.

Shamrock's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the CWA and the Industrial Stormwater Permit each and every day Shamrock discharges stormwater without meeting BAT/BCT. Baykeeper alleges that Shamrock has discharged stormwater containing excessive levels of pollutants from the Facility to San Francisco Bay during at least every significant local rain event over 0.1 inches in the last five (5) years.⁵ Attachment 3 compiles all dates in the last five (5) years when a significant rain event occurred. Shamrock is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

B. Discharges Impairing Receiving Waters.

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* Industrial Stormwater Permit, Order Part A(2). The Industrial Stormwater Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. *Id.* at Order Part C(1). Receiving Water Limitations of the

(Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities). In the latest version of the permit, EPA has proposed the inclusion of Benchmark values for facilities that discharge into saltwater, which can be found at:

http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp2013_proposedpermit8.pdf (Last accessed on 8/29/14). *See* 78 Fed. Reg. 59,672 (Sept. 27, 2013) (Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities).

⁵ Significant local rain events are reflected in the rain gauge data available <http://cdec.water.ca.gov>, <http://lwf.ncdc.noaa.gov/oa/ncdc.html>, and <http://www.ncdc.noaa.gov/IPS/hpd/hpd.html> (Last accessed on 8/26/14).

Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS"). *Id.* at Order Part C(2). Applicable WQSs are set forth in the California Toxics Rule ("CTR")⁶ and Chapter 3 of the San Francisco Bay Basin (Region 2) Water Quality Control Plan ("Basin Plan").⁷ See Attachment 1. Exceedances of WQSs are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan.

The Basin Plan establishes WQSs for San Francisco Bay and its tributaries, including but not limited to the following:

- Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses.
- Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.
- All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.
- Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. The Basin Plan, Table 3-3, identifies specific marine water quality objectives for toxic pollutants,⁸ and Table 3-4 identifies specific fresh water quality objectives for toxic pollutants.⁹ See Attachment 4.

Baykeeper alleges that Shamrock's stormwater discharges have caused or contributed to exceedances of the WQS set forth in the Basin Plan and California Toxics Rule. These allegations are based on information available to Baykeeper, including Shamrock's self-reported data submitted to the San Francisco Bay Regional Water Quality Control Board and Baykeeper's samples, both indicating exceedances of

⁶ The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31,682 (May 18, 2000).

⁷ The Basin Plan is published by the San Francisco Bay Regional Water Quality Control Board at: http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan (Last accessed on 8/18/14).

⁸ Basin Plan, Table 3-3 is available at: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-03.pdf (Last accessed on 8/18/14).

⁹ Basin Plan, Table 3-4 is available at: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-04.pdf (Last accessed on 8/18/14).

receiving water limits for pH and zinc. *See* Attachment 2. As explained above, based on information available to Baykeeper, these sample results do not fully reflect the extent of pollution coming from the Facility.

Baykeeper alleges that each day that Shamrock has discharged stormwater from the Facility, Shamrock's stormwater has contained levels of pollutants that exceeded one or more of the applicable WQS in San Francisco Bay. Baykeeper alleges that Shamrock has discharged stormwater exceeding WQS from the Facility to San Rafael Creek and/or San Francisco Bay during at least every significant local rain event over 0.1 inches in the last five (5) years. *See* Attachment 3. Each discharge from the Facility that has caused or contributed, or causes or contributes, to an exceedance of an applicable WQS constitutes a separate violation of the Industrial Stormwater Permit and the CWA. Shamrock is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

C. Failure to Develop and/or Implement an Adequate Storm Water Pollution Prevention Plan.

The Industrial Stormwater Permit requires dischargers to develop and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP"). Industrial Stormwater Permit, Section A(1)(a). The Industrial Stormwater Permit also requires dischargers to make all necessary revisions to existing SWPPPs promptly. *Id.* at Order Part E(2).

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all potential pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP within 90 days after a facility manager determines that the SWPPP is in violation of any requirements of the Industrial Stormwater Permit. *See* Industrial Stormwater Permit, Section A.

Based on information available to Baykeeper, Shamrock has failed to prepare and/or implement an adequate SWPPP and/or to revise the SWPPP to satisfy each of the requirements of Section A of the Industrial Stormwater Permit. For example, Shamrock's SWPPP does not include, and Shamrock has not implemented, adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with Section A(8) of the Industrial Stormwater Permit, as evidenced by the data in Attachment 2 and by Baykeeper's stormwater samples collected at the Facility.

Accordingly, Shamrock has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of Section A of the Industrial Stormwater Permit, and Shamrock will continue to be in violation every day until they develop and/or implement an adequate SWPPP. Shamrock is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring within the past five (5) years.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program and to Perform Annual Comprehensive Site Compliance Evaluations.

The Industrial Stormwater Permit requires facility operators to develop and implement a Monitoring and Reporting Program ("MRP"). Industrial Stormwater Permit, Section B(1) and Order Part E(3). The Industrial Stormwater Permit requires that the MRP ensure that each facility's stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial Stormwater Permit. *Id.* at Section B(2). Facility operators must ensure that their MRP practices reduce or prevent pollutants in stormwater and authorized non-stormwater discharges as well as evaluate and revise their practices to meet changing conditions at the facility. *Id.* This may include revising the SWPPP as required by Section A of the Industrial Stormwater Permit. The MRP must measure the effectiveness of BMPs used to prevent or reduce pollutants in stormwater and authorized non-stormwater discharges, and facility operators must revise the MRP whenever appropriate. *Id.* at Section B(2). The Industrial Stormwater Permit requires facility operators to visually observe and collect samples of stormwater discharges from all drainage areas. *Id.* at Section B(7). Facility operators are also required to provide an explanation of monitoring methods describing how the facility's monitoring program will satisfy these objectives. *Id.* at Section B(10).

Shamrock has been operating the Facility with an inadequately developed and/or inadequately implemented MRP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial Stormwater Permit. For example, the data in Attachment 2 indicates that Shamrock's monitoring program has not ensured that stormwater discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial Stormwater Permit as required by Section B(2). The monitoring program has not resulted in practices at the Facility that adequately reduce or prevent pollutants in stormwater as required by Section B(2). Similarly, the data in Attachment 2 indicate that Shamrock's MRP has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of BMPs in use or the Facility's SWPPP to address such ongoing problems as required by Section B(2).

In addition, Shamrock's MRP is inadequate because Shamrock has been collecting stormwater samples that do not adequately reflect pollution coming from its industrial activities. Section B(7)(a) of the Industrial Stormwater Permit requires Shamrock to "collect samples of storm water discharges from all drainage areas that represent the quality and quantity of the facility's storm water discharges." Baykeeper's investigation has found evidence of pollution discharges from the Facility's driveway, which Shamrock does not sample for pollutants. Shamrock has also failed to measure its samples for aluminum and zinc, which Baykeeper has found to be present in discharges from the Facility.

As a result of Shamrock's failure to adequately develop and/or implement an adequate MRP at the Facility, Shamrock has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA each and every day for the past five (5) years. These violations are ongoing. Shamrock will continue to be in violation of the monitoring and reporting requirements each day that Shamrock fails to adequately develop and/or implement an effective MRP at the Facility. Shamrock is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring for the last five (5) years.

E. Discharges Without Permit Coverage.

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant to section 402 of the CWA. *See* 33 U.S.C. §§ 1311(a), 1342. Shamrock sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." Industrial Stormwater Permit, Order Part A(1). Because Shamrock has not obtained coverage under any separate NPDES permit, and has failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

IV. PERSONS RESPONSIBLE FOR THE VIOLATIONS

Shamrock Materials, Inc. is the person responsible for the violations at the Facility described above.

V. NAME AND ADDRESS OF NOTICING PARTY

Our name, address, and telephone number is as follows:

San Francisco Baykeeper
785 Market Street, Suite 850
San Francisco, CA 94103
(415) 856-0444

VI. COUNSEL

Baykeeper is represented by the following counsel in this matter, to whom all communications should be directed:

George Torgun, Managing Attorney
Nicole C. Sasaki, Associate Attorney
San Francisco Baykeeper
785 Market Street, Suite 850
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(415) 856-0444

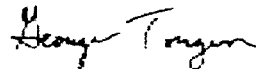
George Torgun: (415) 856-0444 x105, george@baykeeper.org
Nicole C. Sasaki: (415) 856-0444 x110, nicole@baykeeper.org

VII. REMEDIES

Baykeeper intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against Shamrock for the above-referenced violations. Baykeeper will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. In addition, Baykeeper will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against Shamrock in this action. The CWA imposes civil penalty liability of up to \$37,500 per day per violation for violations occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4. Baykeeper will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, Baykeeper is willing during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact Nicole or George to initiate these discussions.

Sincerely,



George Torgun
Managing Attorney
San Francisco Baykeeper

Cc:

Gina McCarthy Administrator US EPA, William Jefferson Clinton Bldg. 1200 Pennsylvania Avenue, N.W. Mail Code: 1101A Washington, DC 20460	Eric H. Holder, Jr. Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530
Jared Blumenfeld Regional Administrator U.S. EPA - Region 9 75 Hawthorne Street San Francisco, CA 94105	Thomas Howard Executive Director State Water Resources Control Board 1001 I Street Sacramento, CA 95814
Bruce Wolfe Executive Officer Regional Water Quality Control Board San Francisco Bay Region 1515 Clay Street, Suite 1400 Oakland, CA 94612	

Attachment 1: EPA Benchmarks and Water Quality Standards

A. EPA Benchmarks (MSGP)

Parameter	Units	Benchmark value	Source
Total Suspended Solids	mg/L	100	MSGP
Aluminum Total	mg/L	0.75	MSGP
Iron Total	mg/L	1.0	MSGP
Zinc Total	mg/L	0.09	MSGP
pH	SU	6.0-9.0	MSGP

B. Marine Water Quality Standards (Basin Plan)

Parameter	Units	Water Quality Standard	Source
pH	SU	6.5 – 8.5	Basin Plan
Zinc Total	mg/L	0.09*	Basin Plan

* 1-hour average

Attachment 2: Table of Exceedances for Shamrock Materials, Inc.

Table containing each stormwater sample which exceeds EPA Benchmarks, Water Quality Standards (WQS), or both. The EPA Benchmarks and Water Quality Standards are listed in Attachment 1. All stormwater samples were collected during the past five years.

No.	Sampling Location	Sampling Date	Parameter		Value	Units	Wet Season	Exceeds Bench-mark	Exceeds WQS
1	Main Driveway (BK)	2/7/2014	Iron Total	=	4.67	mg/L	2013-2014	√	
2	Main Driveway (BK)	2/7/2014	Aluminum Total	=	2.44	mg/L	2013-2014	√	
3	Main Driveway (BK)	2/7/2014	Zinc Total	=	0.128	mg/L	2013-2014	√	√
4	#1	2/6/2014	Total Suspended Solids	=	340	mg/L	2013-2014	√	
5	#3	2/6/2014	pH	=	9	mg/L	2013-2014		√
6	#1	2/6/2014	Iron Total	=	14	mg/L	2013-2014	√	
7	#2	2/6/2014	Iron Total	=	20	mg/L	2013-2014	√	
8	#3	2/6/2014	Iron Total	=	21	mg/L	2013-2014	√	
9	#3	11/19/2013	pH	=	8.63	SU	2013-2014		√
10	#1	11/19/2013	Iron Total	=	2.5	mg/L	2013-2014	√	
11	#2	11/19/2013	Iron Total	=	1.3	mg/L	2013-2014	√	
12	#3	11/19/2013	Iron Total	=	1.7	mg/L	2013-2014	√	
13	#1	4/4/2013	Iron Total	=	1.6	mg/L	2012-2013	√	
14	#2	4/4/2013	Iron Total	=	2.6	mg/L	2012-2013	√	
15	#2	11/16/2012	Total Suspended Solids	=	140	mg/L	2012-2013	√	
16	#3	11/16/2012	pH	=	8.69	SU	2012-2013		√
17	#1	11/16/2012	Iron Total	=	5.5	mg/L	2012-2013	√	
18	#2	11/16/2012	Iron Total	=	7.7	mg/L	2012-2013	√	
19	#3	11/16/2012	Iron Total	=	2.4	mg/L	2012-2013	√	
20	#1	3/13/2012	Total Suspended Solids	=	110	mg/L	2011-2012	√	
21	#2	3/13/2012	Total Suspended Solids	=	120	mg/L	2011-2012	√	
22	#3	3/13/2012	pH	=	9.42	SU	2011-2012	√	√
23	#1	3/13/2012	Iron Total	=	3.8	mg/L	2011-2012	√	
24	#2	3/13/2012	Iron Total	=	4.9	mg/L	2011-2012	√	
25	#3	3/13/2012	Iron Total	=	3.1	mg/L	2011-2012	√	
26	#1	10/6/2011	Total Suspended Solids	=	130	mg/L	2011-2012	√	
27	#2	10/6/2011	Total Suspended Solids	=	280	mg/L	2011-2012	√	
28	#3	10/6/2011	pH	=	8.57	SU	2011-2012		√
29	#1	10/6/2011	Iron Total	=	5.5	mg/L	2011-2012	√	
30	#2	10/6/2011	Iron Total	=	14	mg/L	2011-2012	√	

31	#3	10/6/2011	Iron Total	=	4	mg/L	2011-2012	✓	
32	#2	2/14/2011	Total Suspended Solids	=	180	mg/L	2010-2011	✓	
33	#3	2/14/2011	Total Suspended Solids	=	420	mg/L	2010-2011	✓	
34	#3	2/14/2011	pH	=	9.9	SU	2010-2011	✓	✓
35	#1	2/14/2011	Iron Total	=	3.1	mg/L	2010-2011	✓	
36	#2	2/14/2011	Iron Total	=	7.6	mg/L	2010-2011	✓	
37	#3	2/14/2011	Iron Total	=	12	mg/L	2010-2011	✓	
38	#1	12/14/2010	Total Suspended Solids	=	390	mg/L	2010-2011	✓	
39	#2	12/14/2010	Total Suspended Solids	=	1200	mg/L	2010-2011	✓	
40	#3	12/14/2010	Total Suspended Solids	=	120	mg/L	2010-2011	✓	
41	#3	12/14/2010	pH	=	9.61	SU	2010-2011	✓	✓
42	#1	12/14/2010	Iron Total	=	12	mg/L	2010-2011	✓	
43	#2	12/14/2010	Iron Total	=	35	mg/L	2010-2011	✓	
44	#3	12/14/2010	Iron Total	=	5.3	mg/L	2010-2011	✓	
45	#1	3/2/2010	pH	=	9.21	SU	2009-2010	✓	✓
46	#3	3/2/2010	pH	=	9.27	SU	2009-2010	✓	✓
47	#1	3/2/2010	Iron Total	=	2	mg/L	2009-2010	✓	
48	#3	3/2/2010	Iron Total	=	2.2	mg/L	2009-2010	✓	
49	#1	10/13/2009	Iron Total	=	2	mg/L	2009-2010	✓	
50	#2	10/13/2009	Iron Total	=	2.7	mg/L	2009-2010	✓	

Attachment 3: Alleged Dates of Violations by Shamrock Materials, Inc., August 2009 to July 2014

Days with precipitation one-tenth of an inch or greater, as reported by NOAA's National Climatic Data Center; San Rafael Civic Center station. <http://www7.ncdc.noaa.gov/IPSC/coop/coop.html>

2009	2010	2011	2012	2013	2014
9/13	1/12	1/1	2/7	1/5	2/2
10/13	1/16	1/2	2/29	1/6*	2/6
10/15	1/17	1/13	3/1	1/23*	2/7
10/19	1/18	1/29	3/13	2/7*	2/8
11/20	1/19	1/30	3/14	2/19	2/9
12/5	1/20	2/14	3/16	3/5	2/26
12/11	1/21	2/15	3/24	3/6	2/28
12/12	1/22	2/16	3/25	3/31	3/3
12/13	1/23	2/17	3/27	4/1	3/5
12/16	1/25	2/18	3/31	4/4	3/26
12/26	1/26	2/19	4/1*	6/24	3/27
12/29	1/29	2/24	4/10*	6/25	3/29
	2/4	2/25	4/12*	9/21	3/31
	2/6	3/2	4/13*	11/19	4/1
	2/9	3/6	4/25	11/20	4/2
	2/12	3/13	4/26*	12/6	4/4
	2/21	3/14	10/22	12/7	4/25
	2/23	3/15	10/24		
	2/24	3/17	10/31		
	2/26	3/18	11/8		
	2/27	3/19	11/9		
	3/2	3/20	11/16		
	3/3	3/22	11/17		
	3/9	3/23	11/20		
	3/12	3/24	11/28		
	3/24	3/25	11/29		
	3/29	3/26	11/30		
	3/30	5/16	12/1		
	3/31	6/4	12/2		
	4/2	6/28	12/5		
	4/4	10/3*	12/15		
	4/11	10/4*	12/16		
	4/12	10/5*	12/17		
	4/20	10/6*	12/21		
	4/27	11/6	12/22		
	4/28	11/8*	12/23		
	5/10	11/11	12/25		
	5/17	11/12*	12/26		
	5/25	11/18*	12/29		
	5/27	11/19			
	10/17	11/20			
	10/22	11/24			

* Data reported by Kentfield Station.

	10/23				
	10/24				
	10/29				
	11/7				
	11/19				
	11/20				
	11/21				
	11/23				
	11/27				
	12/2				
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	12/21				
	12/22				
	12/25				
	12/28				

